

TITLE 11: ZONING

PART III: OVERLAY DISTRICT AND SPECIFIC PLAN REGULATIONS

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Chapter 11.3.05

Residential Conservation Overlay District

§ 11.3.05.005 Purpose and Intent.

The City Council has determined that the spirit, character, and history of the City are reflected in the historic structures located within the City, and that in the face of ever increasing pressures of modernization, locally-significant historic structures are threatened with alteration, removal, or demolition. Locally-significant historic structures are those residential structures constructed prior to 1925. This Article is enacted on the basis of public policy that supports the preservation of locally-significant residential structures within the City and the need to provide incentives for owners to continue to occupy and maintain locally-significant historic structures as “bed and breakfast” facilities within appropriate areas of the City.

These locally-significant historic structures represent the City’s unique historical, social and cultural foundations and should be preserved as living parts of community life and development in order to build a greater understanding of the City’s past and give future generations the opportunity to appreciate, understand and enjoy the City’s remaining historic heritage.

This Chapter is intended to promote the public health, safety, and general welfare by:

A. Integrating the preservation of locally-significant historic structures into the public and private land use management and development process at appropriate locations within the City.

B. Encouraging preservation and complimentary new development within the existing “Old Town” area of the City.

C. Preserving diverse architectural styles reflecting the City’s history and encouraging a more livable urban environment.

D. Stabilizing neighborhoods through the preservation of locally-significant historic structures.

E. Encouraging the rehabilitation and continued use of existing structures, rather than their demolition, as bed and breakfast facilities at appropriate locations within the City.

F. Preserving, protecting, and enhancing streetscapes and locally-significant historic structures.

§ 11.3.05.010 Permitted Uses.

A. Any use permitted or conditionally permitted in the underlying base district.

B. The following use subject to issuance of a Conditional Use Permit and approval of a site development plan: Bed and Breakfast facility.

§ 11.3.05.015 General Provisions.

A. **Base District Uses.** The uses specified in Section 11.3.05.010.A: *Permitted Uses* are permitted in the Residential Conservation Overlay Zone subject to the standards enumerated in the underlying base district zoning provisions.

B. **Overlay Zone Use.** The uses specified in Section 11.3.05.010.B are permitted in the Residential Conservation Overlay District subject to compliance with the following standards:

1. Structure Qualifications. A residential structure may qualify for such use if it meets either of the following standards:

a. Is a residential structure constructed prior to 1925.

b. Is a residential structure that has been reconstructed to replicate a previously existing residential structure that was constructed prior to 1925 on the same lot.

2. Minimum Lot Size. The subject property shall have a minimum lot size of 5,000 square feet.

3. Owner/Operator Requirement. The recorded owner of the property shall be the operator of the bed and breakfast facility and reside on the premises. No resident managers shall be allowed to operate a bed and breakfast facility.

4. Maximum Stay. The maximum stay for any occupants of a bed and breakfast facility shall be 10 consecutive days within a 30 day period.

5. Maximum Number of Guestrooms. The maximum number of guestrooms shall not exceed 6 for any separate bed and breakfast structure.

6. Check-In/Check-Out Hours. Guests shall check in and out only between the hours of 9:00 a.m. and 8:00 p.m.

7. Single Kitchen on Property. There shall be only one kitchen within each separate structure. The kitchen shall not be remodeled into a commercial kitchen. No cooking facilities shall be permitted in the guestrooms.

8. Food Service Restricted. Breakfast shall be served to registered overnight lodgers only. No other meals shall be served. Incidental food and beverage service to registered overnight lodgers is permitted.

9. Apartments Prohibited. Bed and Breakfast facilities shall not have a separate apartment on the subject property.

10. Interior Stairways Required. There shall only be interior stairways to serve all habitable living spaces within the entire dwelling, including any basement or attic areas, except as may be approved through the Conditional Use Permit process pursuant to Chapter 11.5.20: *Development Permits* to preserve the architectural integrity of an existing structure.

11. Record keeping. Each bed and breakfast facility operator shall keep accurate financial records and a current guest register including names, addresses and dates of occupancy of all guests. Upon reasonable notice such information shall be available for examination by city officials and auditors.

12. California Existing Building Code. Any exterior alteration made to a bed and breakfast facility for the rehabilitation, restoration, or relocation of such structure shall be made according to the current California Existing Building Code.

13. Additional Housing Units Prohibited. No bed and breakfast facility shall be located in an attached dwelling unless said interior is modified to eliminate any attached dwelling units, exclusive of the resident operator living unit.

14. Allowable Area for Rental Units. Bedroom rental units shall not occupy more than 60 percent of the living space of the subject structure.

15. Required Number of Parking Spaces. A minimum of 1 off-street parking space shall be provided for each guestroom, and a minimum of 1 off-street parking space shall be provided for the resident owner.

16. Required Type and Location of Parking Spaces. Required off-street parking shall be provided within a garage for the owner's unit only; guest parking spaces may be provided in a carport, driveway, or open parking area.

a. Where feasible, parking areas shall be provided at the rear or side of the property, but in no case shall parking be provided within the established front yard.

b. When unenclosed parking spaces are located next to a residence, the unenclosed parking spaces shall be screened and maintained with dense planting or other appropriate screening to buffer the parking area from abutting properties.

c. No more than 25% of said required parking may be located upon a separate parcel as specified in Section 11.4.20.025.B: *Property on Which Parking and Loading Must be Provided*. Said parking to be provided on a separate parcel shall require Conditional Use Permit approval, including a parking management plan, prior to any utilization of said parking areas. Upon reasonable notice such off-site parking availability may be confirmed by visual inspection by city officials.

d. The required on-site parking requirements for a bed and breakfast facility may be met by the provision of additional on-street parking spaces as a result of the closure of existing curb cuts, not to exceed a maximum of 1 space.

17. Sign Standards. Signage shall be limited to a single sign affixed to the structure not exceeding 6 square feet in area identifying the name of the establishment. No internally illuminated or luminous tube signs shall be permitted. External lighting is permitted and shall be turned off no later than 10:30 p.m.

18. Incidental Sales of Goods and Services. Incidental sales of goods and services shall be permitted, but shall be limited to registered guests only.

19. Private Reception Standards. No receptions, private parties, or similar activities for which a fee is paid shall be permitted.

20. Compliance with Other Agency Requirements. All requirements of the Orange County Fire Authority and Orange County Health Department shall be met, except as may be modified in accordance with the provisions of subsection 12 above.

21. Compliance with Municipal Code Provisions. Bed and breakfast facilities shall be subject to the same use and occupancy taxes levied for motels and hotels within Title 4: *Revenue and Finance*, and Title 5: *Business Licenses and Regulations* of the Seal Beach Municipal Code.

22. Americans with Disabilities Act. All structures shall fully comply with the provisions of the Americans with Disabilities Act.

23. Property Tax Abatements Prohibited. The property owner agrees to not seek any property tax abatements that may be applicable in Federal, State, or local law.

24. Addition to Structure Limitations. Any addition to a structure shall constitute no more than 50% of the total square footage of the original floor plan as provided by as-built plans of the existing structure, verified through review of site development plans and field inspections.

25. Conversion to Multi-Family Dwelling Prohibited. A bed and breakfast facility shall not be permitted to be converted to a multi-family dwelling as defined in Chapter 11.6.05: *Terms and Definitions*.

§ 11.3.05.020 Development Standards.

The RC-O District includes additional regulations and uses over and above the base zoning of a particular property to encourage preservation of existing locally-significant residential structures. To permit orderly development and preservation of these locally-significant residential structures, the following standards shall apply:

A. **Relocated structures.** Relocated structures shall comply with current open space, bulk, and yard standards of the base zone.

B. **Exception.** Relocated structures may be permitted without a variance approval for side yard setbacks as long as a minimum 3-foot side yard setback is maintained and the deviation does not exceed 25% of the size of the setback required by the base zoning provision. Relocated structures exceeding the height and main building envelope requirements shall be permitted without modification to the structure in order to preserve the historical significance and architectural integrity of the structure.

§ 11.3.05.025 Roof-Mounted Mechanical Equipment.

Roof-mounted mechanical equipment shall be architecturally screened and approved by the Conditional Use Permit. See Section 11.4.10.015: *Mechanical Equipment Screening*.

§ 11.3.05.030 Adoption of RC-O Overlay District.

The adoption of the RC-O Overlay District in accordance with the provisions of Chapter 11.5.15: Legislative Actions and Chapter 11.5.10: *General Procedures* of this Title to a specific property shall be required before any property in the RC-O District may be developed or used for the purpose set forth in Section 11.3.05.010: *Permitted Uses*, above.

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Chapter 11.3.10

Planned Development Overlay District (–PD)

§ 11.3.10.005 Purpose.

The purpose of the Planned Development Overlay District (–PD) is to provide for detailed and substantial review of development that warrants special review and deviations from underlying development standards. This overlay district is also intended to provide opportunities for creative development approaches that will achieve superior design solutions to that which would be possible if the project were built in full compliance with the required standards of the base district, and will not cause a significant adverse impact on residences to the side, rear, or directly across a street with respect to solar access, privacy and compatibility.

§ 11.3.10.010 Procedure.

The approval of a Planned Development Plan, and amendment thereto and the corresponding amendment to the official zoning map to create or amend the “–PD” Planned Development Overlay District are legislative acts. See also Chapter 11.5.15: *Legislative Actions*.

A. **Land Use and Density Regulations.** The land use and density requirements within a –PD Planned Development Overlay District shall be those of the underlying base district.

B. **Process.** An application for a Planned Development and any amendment to the Plan shall be processed in accordance with the procedure for conditional use permits set forth in Chapter 11.5.10: *General Procedures* and Chapter 11.5.20: *Development Permits*. Any corresponding amendment to the official zoning map shall be processed concurrently in accordance with the procedure for zone changes set forth in Chapter 11.5.10: *General Procedures* and Chapter 11.5.15: *Legislative Actions*.

C. **Modification of Standards.** The City Council may approve a Planned Development Plan that deviates from the minimum lot area, yard requirements, building heights, and other physical development standards defined in the base district, while ensuring compliance with the land use and density requirements of the base district. Physical development standards may be modified if the Planned Development Plan includes examples of superior community design, environmental preservation and/or public benefit amenities, and the City Council makes the findings required by Section 11.3.10.020: *Required Findings*.

§ 11.3.10.015 Additional Requirements.

A. **Required Pre-Application Study Session.** Prior to submitting an application for a Planned Development Plan an applicant proposing a project over 1 acre in gross area or that includes publicly-owned land shall schedule a pre-application study session with the Planning Commission to discuss the general acceptability of the project proposal, issues that need to be addressed, and the need, if any, for any interagency coordination. Such preliminary consultations shall be considered advisory in nature and shall not constitute a recommendation of approval.

B. **Supplemental Application Material.** The Applicant shall submit additional information as required by the Director including the following items:

1. **Project Boundaries.** A map showing the proposed project boundaries, the perimeter of the ownership, location and dimensions of any existing property lines and easements within the site, the location of buildings, roads, parking, trees and open areas designated for retention or removal, and the locations and capacities of existing utilities in the vicinity of the site and any proposed extensions to the site. A tentative map may be substituted for this requirement if the applicant proposes to subdivide the property. Any tentative map shall comply with the provisions of Article 10: *Subdivisions*; Chapter 10.20: *Tentative Map Filing and Processing*.

2. **Topographic Map.** A topographic map showing the existing and proposed changes in topography of the site with contours at not more than 2-foot intervals, including the degree of land disturbance, the location of drainage channels or water courses, and the direction of drainage flow.

3. **Site Plan.** A site plan showing the precise dimensions and locations of proposed structures, buildings, streets, parking, yards, pathways, open spaces, and other public or private facilities. The site plan shall also indicate all proposed uses or activities to be conducted on the site, with related floor area or calculations of site area to be devoted to such uses.

4. **Architectural Concepts.** Plans showing architectural concepts of the proposed building including heights, design, exterior materials of proposed buildings, other structures, fencing, and signage.

5. **Development Schedule.** A preliminary development schedule, indicating the sequence and timing of development and the priorities of any phased development.

6. **Open Space Plan.** A proposed open space plan including landscape concept and type of plant materials, recreation area, parking, service and other public area used in common on the property, and a description of

intended improvements to the open space areas of the proposed Planned Development.

7. Preliminary Engineering Plans. Preliminary engineering plans showing site grading, and amount of cut and fill, including finished grades, and proposed water retention/drainage facilities.

8. Statement Regarding Compliance with Findings. Written statement and illustrations to demonstrate how the planned development will fulfill the intent of the Zoning Code and the General Plan, meet the required findings and provide superior community design, environmental preservation, and/or public benefit amenities.

9. Other Information. Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a Planned Development Plan.

§ 11.3.10.020 Required Findings.

The City shall approve a –PD Overlay District Zoning Map Amendment and Planned Development Plan only if all of the following findings are made:

A. The project meets all of the findings required for a conditional use permit pursuant to Section 11.5.20.020: *Required Findings* and the finding that the approved plan is consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and any specific plan.

B. Development within the –PD Overlay District is demonstratively superior to the development that could occur under the standards applicable to the underlying base district and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors shall be considered:

1. Appropriateness of the use(s) at the proposed location.
2. The mix of uses, housing types, and housing price levels.
3. Provision of units affordable to persons and families of low and moderate income or to lower income households.
4. Provision of infrastructure improvements.
5. Provision of open space.
6. Compatibility of uses within the development area.

7. Quality of design, and adequacy of light and air to the interior spaces of the buildings.

8. Overall contribution to the enhancement of neighborhood character and the environment of Seal Beach in the long term.

9. Creativity in design and use of land.

§ 11.3.10.025 Conditions of Approval.

In approving a Planned Development Plan, the City may impose any reasonable conditions to:

A. Ensure that the proposal conforms in all significant respects with the Seal Beach General Plan and with any other applicable specific plans.

B. Achieve the general purposes of this Zoning Code or the specific purpose of the zoning district in which the project is located.

C. Achieve the findings for a Planned Development listed in Section 11.3.10.020: Required Findings.

D. Mitigate any potentially significant impacts.

§ 11.3.10.030 Effective Date, Extensions, and Modifications.

Planned Development Plans become effective on the day the ordinance adopting the plan becomes effective. The Code provisions relating to amendments and modifications in Chapter 11.5.10: *General Procedures* applicable to specific plans apply to Planned Development Plans subject to the following limitations:

A. **Tentative Map.** Where a tentative map has been approved in conjunction with a –PD Overlay District project, the Planned Development Plan shall expire upon the expiration of the tentative map pursuant to the provisions of Title 10: *Subdivisions*.

B. **Phased Development.** In the event that the City approves phased development, the Planned Development Plan shall remain in effect so long as not more than 1 year lapses between the end of a phase and the beginning of the next phase.

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Chapter 11.3.15 Commercial/Park Overlay District

§ 11.3.15.005 Conditional Use Permit Required.

An applicant may apply for a Conditional Use Permit pursuant to Chapter 11.5.20: *Development Permits* and Chapter 11.5.10: *General Procedures* to develop hotel and/or service commercial uses on property within the Commercial/Park Overlay District. Seventy percent (70%) of any parcel within this zone shall be devoted to park uses with unrestricted access to the public.

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**Chapter 11.3.20
Coastal Zone Overlay District**

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Chapter 11.3.25 Specific Plan Regulation

§ 11.3.25.005 Permitted Uses

All property in the Specific Plan Regulation (SPR) Zone shall be used only for the purposes permitted by the General Plan and the Specific Plan adopted for such property. The adoption of a Specific Plan in accordance with the provisions of Chapter 11.5.15 (*Legislative Actions*) of this Title shall be required before any property in the SPR Zone may be developed or used for any purpose.

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